

AN ACT concerning business.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Fair Food and Retail Delivery Act.

Section 5. Definitions. As used in this Act:

"Agreement" means a written agreement between a merchant and a third-party delivery service.

"Customer" means the person, business, or other entity that places an order for a merchant's products through a digital network.

"Digital network" means a third-party delivery service's Internet site or online-enabled application, software, or system that allows a customer to view, search, and purchase products for delivery by a third-party delivery service to a customer.

"Likeness" means identifiable symbols attributed and easily identified as belonging to a specific merchant or retailer.

"Merchant" means a restaurant, bar, or other retail entity.

"Third-party delivery service" means a company, organization, person, or entity outside of the operation of

the merchant's business, not wholly owned by the merchant, that provides delivery services to customers through a digital network.

"Third-party delivery service driver" means an individual that provides delivery services on behalf of a third-party delivery service to customers.

Section 10. Third-party use of merchant likenesses and delivery. A third-party delivery service may not purchase or use the name, likeness, registered trademark, or intellectual property belonging to a merchant, and may not take or arrange for the pickup or delivery of an order from a merchant through a digital network, without first obtaining written consent from the merchant.

Section 15. Indemnity agreements void. An agreement between a merchant and third-party food delivery service for the provision of limited third-party delivery services entered into or renewed after the effective date of this Act may not include a provision that requires a merchant to indemnify a third-party delivery service, an independent contractor of the third-party delivery service, a third-party delivery service driver, or a registered agent of the third-party delivery service for any damages or harm partially or wholly caused by or resulting from the third-party delivery service, an independent contractor of the third-party delivery service, a

third-party delivery service driver, or a registered agent of the third-party delivery service.

Section 20. Enforcement and penalties. A merchant whose likeness is used, or pickup or delivery is arranged through a third-party delivery service in violation of Section 10, may bring an action in the circuit court in the county in which the merchant conducts business to recover actual damages or up to \$5,000, whichever is greater. The court may, in its discretion, award punitive damages and other equitable relief it deems appropriate.